

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

CHAD NETHERY,

Plaintiff,

vs.

LITHIA MOTORS, INC., and LITHIA  
CDH, INC.,

Defendant.

CV 23-20-M-DLC

ORDER

Before the Court is Plaintiff Chad Nethery's Motion for Remand. (Doc. 6.) Plaintiff filed his Complaint in this Court on March 1, 2023, (Doc. 1), and later filed an Amended Complaint on June 12, 2023, adding Defendant Lithia CDH, Inc., (Doc. 5). Plaintiff now asks that this Court remand the matter to the Montana First Judicial District Court, Lewis & Clark County, because the addition of Defendant Lithia CDH defeated diversity jurisdiction; thus there is no longer complete diversity of citizenship and this Court lacks subject matter jurisdiction. (Doc. 6 at 1-2.)

The issue with Plaintiff's request is that this matter was first filed in this Court, and therefore, *remand* is not appropriate because the case was never removed from state court. *See* 28 U.S.C. § 1447.

Accordingly, IT IS ORDERED that the motion (Doc. 6) is DENIED.

IT IS FURTHER ORDERED that if Plaintiff wishes to dismiss this case and instead file this matter in state court, Plaintiff may do so in accordance with FED. R. CIV. P. 41.

DATED this 18th day of July, 2023.



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Dana L. Christensen, District Judge  
United States District Court